

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6575 OF 2007

Sanjivani Gajanan Dev] .. Petitioner

Versus

1. Government of Maharashtra & 3 ors.] .. Respondents

Mr. Sachin Manale for the petitioner.

Mr. A.H. Palekar, AGP, for the respondents No.1 & 2.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 11TH SEPTEMBER, 2007

P.C. :

. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents No.1 & 2. The petitioner claims that the break in service be condoned for the purpose of computation of the pension. Learned counsel for the petitioner invited our attention to the Government Resolution (GR) dated 10th May, 1989, under which the condonation is claimed. Condition No.3 of the said GR specifies that the aggregate of all the breaks together shall not exceed two years and Condition No.4 of the said GR specifies that any break in service should not be for more than 12 months. Both these conditions are

not satisfied.

2. The order recites that the total of aggregate of the breaks is eleven years and two months. Counsel for the petitioner submits that the said period is erroneous and the total aggregate of the breaks is four years and three months. Even assuming that the submission of the counsel for the petitioner is correct, yet the break period exceeds two years and, therefore, there is no power of condonation of the breaks. In the circumstances, there is no merit in the Petition, which is rejected summarily.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]